

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.307/14

Subject: Non-payment of salary for 32 months.

Case of: Sh. Gopal Saran, BAS, DCLR, Bayasi, Purnea

Sh. Gopal Saran, **D.C.L.R, Bayasi, Purnea** informed the Commission in January, 2014 that he is a SC officer posted in Bayasi since 04.04.2010. **His pay for 32 months** (May, 2010 to March, 2012 & Feb-Nov, 2013) **was not paid by the District Magistrate, Purnea** despite his repeated requests. Petitioner alleged that his pay was stopped by D.M, Purnea in March, 2013 in an arbitrary/illegal manner flouting government rules. After his persistent request and bringing the matter to senior formations in government, his pay arrear was partially released in November, 2013 but the ban from March, 2013 still continued.

2. Petitioner informed that his pay in the financial year 2010-13 had not been paid because the funds allocated for it by the Department of Revenue and Land reforms, under treasury head 2029, were diverted for payment to sub-ordinate staffs of SDO office in contravention of govt. order. Petitioner further complained that he was not notified as Drawing & Disbursing officer by DM, Purnea in violation of the govt. Circular no. 359 dt. 17.09.2012 issued by the Principal Secretary, Revenue and Land Reforms, Bihar.

3. Commission directed the **Divisional Commissioner, Purnea** to send a report in one month. This was followed by reminder. Divisional Commissioner, Purnea and his office issued **eight reminders** to the District Magistrate, Purnea for a factual reply but DM, Purnea choose not to send any reply to him.

4. Series of communications on the issue shows blatant apathy on the part of the District Magistrate, Purnea. If DM,Purnea can ignore/refuse to part with information to the Divisional Commissioner, the later could initiate action against him and call the relevant records, ascertain facts and form his opinion on the issue.

5. **Commission, therefore, directs the Divisional Commissioner, Purnea to appear before the Commission on 07th November, 2014 (Friday) at 13:00 hrs. and submit his report on the following points:-**

(a) Whether the orders of the District Magistrate, Purnea(withholding pay and subsequently partly releasing it) were arbitrary or in accordance with the Govt. rules and regulations on the subject.

(b) Why the funds allocated under treasury head 2029 in the year, 2010-2013 were not utilised for payment to the petitioner and diverted for making payments to the staff not posted in D.C.L.R, Biyasi office?

(c) Why Revenue and Land Reforms Deptt. circular no.389(3) dt. 17.09.2012 was violated / ignored by DM, Purnea.

6. It is, however, clarified that if report from the Divisional Commissioner, Purnea is received by 05th November, 2014 his personal appearance will remain dispensed with.

7. Copy of the order be sent to the (i) **Divisional Commissioner, Purnea** for necessary action & to the (ii) **Principal Secretary, GAD & Revenue and Land Reforms Deptt.**, Bihar for information.

Date: 11.09.2014

Sd/-
(Neelmani)
Member

S.P/DS